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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

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SEAN F. McAVOY, CLERK
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SPOKANE, WASHINGTON

UNITED STATES DISTRICT
FOR THE EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES TERRY HENRIKSON, a/k/a
James Henricksen,
a/k/a Cole Johnson,
a/k/a James Vanderbilt;
TIMOTHY EUGENE SUCKOW;
TODD DAVID BATES;
ROBERT ANDREW DELAO;
LAZARO TOMAS PESINA; and
ROBBY JOE WAHRER,

Defendants.

2:14-CR-124-SMJ
INDICTMENT

Vio: 18 U.S.C. § 1958
Murder-for-Hire
(Counts 1-2)

Vio: 18 U.S.C. § 1958
Conspiracy to Commit
Murder-for-Hire
(Counts 3-6)

Vio: 18 U.S.C. § 373
Solicitation to Commit
Murder-for-Hire
(Counts 7-10)

Vio: 21 U.S.C. §§ 841(a)(1), 846
Conspiracy to Distribute
Heroin (Count 11)

1
2 The Grand Jury charges:

3 **COUNT 1**

4 **MURDER FOR HIRE**

5 **(Murder of Kristopher Clarke)**

6 That beginning on or about January 15, 2012, and continuing until on or
7 about February 22, 2012, within the Eastern District of Washington and elsewhere,
8 JAMES TERRY HENRIKSON did cause TIMOTHY EUGENE SUCKOW to
9 travel in interstate commerce from the State of Washington to the State of North
10 Dakota, and did use and cause another to use a facility of interstate commerce, that
11 is a cellular telephone, with an intent that a murder be committed in violation of
12 the laws of any State and the United States, as consideration for the receipt of, and
13 as consideration for a promise and agreement to pay a thing of pecuniary value, to
14 wit: money, and the murder of Kristopher Clarke was in fact committed, in
15 violation of 18 U.S.C. §§ 1958(a) and 2.
16

17 **COUNT 2**

18 **MURDER FOR HIRE**

19 **(Murder of Douglas Carlile)**

20 That beginning on or about October 1, 2013, and continuing until on or
21 about December 15, 2013, within the Eastern District of Washington and
22 elsewhere, JAMES TERRY HENRIKSON, TIMOTHY EUGENE SUCKOW,
23 ROBERT ANDREW DELAO, ROBBY JOE WAHRER, and LAZARO TOMAS
24 PESINA, did use and did cause another to use a facility of interstate commerce,
25 that is a cellular telephone, with an intent that a murder be committed in violation
26 of the laws of any State and the United States, as consideration for the receipt of,
27 and as consideration for a promise and agreement to pay a thing of pecuniary
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1 value, to wit: money, and the murder of Douglas Carlile was in fact committed, in
2 violation of 18 U.S.C. §§ 1958(a) and 2.

3 **COUNT 3**

4 **CONSPIRACY TO COMMIT MURDER FOR HIRE**

5 **(Murder of Douglas Carlile)**

6 That beginning on or about October 1, 2013, and continuing until on or
7 about December 15, 2013, within the Eastern District of Washington, and
8 elsewhere, JAMES TERRY HENRIKSON, TIMOTHY EUGENE SUCKOW,
9 ROBERT ANDREW DELAO, ROBBY JOE WAHRER, and LAZARO TOMAS
10 PESINA, did knowingly and intentionally combine, conspire, confederate and
11 agree together and with each other to use and cause another to use a facility of
12 interstate commerce, that is a cellular telephone, with an intent that a murder be
13 committed in violation of the laws of any State and the United States, as
14 consideration for the receipt of, and as consideration for a promise and agreement
15 to pay a thing of pecuniary value, to wit: money, and the murder of Douglas Carlile
16 was in fact committed, in violation of 18 U.S.C. § 1958(a).

17 **COUNT 4**

18 **CONSPIRACY TO COMMIT MURDER FOR HIRE**

19 **(Jay Wright)**

20 That beginning on or about October 1, 2012, and continuing until on or
21 about December 30, 2012, within the Eastern District of Washington and
22 elsewhere, JAMES TERRY HENRIKSON, ROBERT ANDREW DELAO, and
23 TODD DAVID BATES, and others both known and unknown to the Grand Jury,
24 did knowingly and intentionally combine, conspire, confederate and agree together
25 and with each other to use and cause another to use a facility of interstate
26 commerce, that is a cellular telephone, with an intent that a murder be committed
27 in violation of the laws of any State and the United States, as consideration for the
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1 receipt of, and as consideration for a promise and agreement to pay a thing of
2 pecuniary value, to wit: money, in violation of 18 U.S.C. § 1958(a).

3 **COUNT 5**

4 **CONSPIRACY TO COMMIT MURDER FOR HIRE**

5 **(Jed McClure)**

6 That beginning between on or about December 1, 2012, and on or about
7 May 1, 2013, within the Eastern District of Washington and elsewhere, JAMES
8 TERRY HENRIKSON, ROBERT ANDREW DELAO, and TODD DAVID
9 BATES, and others both known and unknown to the Grand Jury, did knowingly
10 and intentionally combine, conspire, confederate and agree together and with each
11 other to travel and did cause another to travel in interstate commerce from the State
12 of Washington to the State of Illinois, and to use and cause another to use a facility
13 of interstate commerce, that is a cellular telephone, with an intent that a murder be
14 committed in violation of the laws of any State and the United States, as
15 consideration for the receipt of, and as consideration for a promise and agreement
16 to pay a thing of pecuniary value, to wit: money, in violation of 18 U.S.C. §
17 1958(a).
18

19 **COUNT 6**

20 **CONSPIRACY TO COMMIT MURDER FOR HIRE**

21 **(Tim Scott)**

22 That beginning on or about January 15, 2013, and continuing until on or
23 about May 1, 2013, within the Eastern District of Washington and elsewhere,
24 JAMES TERRY HENRIKSON, ROBERT ANDREW DELAO, and TODD
25 DAVID BATES, and others both known and unknown to the Grand Jury, did
26 knowingly and intentionally combine, conspire, confederate and agree together and
27 with each other, to use and cause another to use a facility of interstate commerce,
28 that is a cellular telephone, with an intent that a murder be committed in violation

1 of the laws of any State and the United States, as consideration for the receipt of,
2 and as consideration for a promise and agreement to pay a thing of pecuniary
3 value, to wit: money, in violation of 18 U.S.C. § 1958(a).

4 **COUNT 7**

5 **SOLICITATION TO COMMIT THE MURDER-FOR-HIRE**

6 **(Kristopher Clarke)**

7 That beginning on or about February 1, 2012, and continuing until on or
8 about February 23, 2012, within the Eastern District of Washington and elsewhere,
9 JAMES TERRY HENRIKSON, with the intent that another person or persons
10 engage in conduct constituting a felony that has as an element the use, attempted
11 use, and threatened use of physical force against the person of another in violation
12 of the laws of the United States, and under circumstances strongly corroborative of
13 that intent, did solicit, command, induce and otherwise endeavor to persuade
14 TIMOTHY EUGENE SUCKOW to commit the murder of Kristopher Clarke, in
15 violation of 18 U.S.C. § 1958, all in violation of 18 U.S.C. § 373.

17 **COUNT 8**

18 **SOLICITATION TO COMMIT THE MURDER-FOR-HIRE**

19 **(Douglas Carlile)**

20 Beginning in and around October 1, 2013 and continuing until on or about
21 December 15, 2013, within the Eastern District of Washington and elsewhere,
22 JAMES TERRY HENRIKSON and ROBERT ANDREW DELAO, with the intent
23 that another person or persons engage in conduct constituting a felony that has as
24 an element the use, attempted use, and threatened use of physical force against the
25 person of another in violation of the laws of the United States, and under
26 circumstances strongly corroborative of that intent, did solicit, command, induce
27 and otherwise endeavor to persuade TIMOTHY EUGENE SUCKOW to commit
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1 the murder of Douglas Carlile, in violation of 18 U.S.C. § 1958, all in violation of
2 18 U.S.C. § 373.

3 **COUNT 9**

4 **SOLICITATION TO COMMIT THE MURDER-FOR-HIRE**

5 **(Tim Scott)**

6 That beginning in and around October 1, 2013 and continuing until on or
7 about December 15, 2013, within the Eastern District of Washington and
8 elsewhere, JAMES TERRY HENRIKSON and ROBERT ANDREW DELAO,
9 with the intent that another person or persons engage in conduct constituting a
10 felony that has as an element the use, attempted use, and threatened use of physical
11 force against the person of another in violation of the laws of the United States,
12 and under circumstances strongly corroborative of that intent, did solicit,
13 command, induce and otherwise endeavor to persuade TODD DAVID BATES to
14 commit the murder of Tim Scott, in violation of 18 U.S.C. § 1958, all in violation
15 of 18 U.S.C. § 373.
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17 **COUNT 10**

18 **SOLICITATION TO COMMIT THE MURDER-FOR-HIRE**

19 **(Jed McClure)**

20 That beginning on or about December 1, 2012 and continuing until on or
21 about March 1, 2013, within the Eastern District of Washington and elsewhere,
22 JAMES TERRY HENRIKSON, with the intent that another person or persons
23 engage in conduct constituting a felony that has as an element the use, attempted
24 use, and threatened use of physical force against the person of another in violation
25 of the laws of the United States, and under circumstances strongly corroborative of
26 that intent, did solicit, command, induce and otherwise endeavor to persuade
27 ROBERT ANDREW DELAO, TODD DAVID BATES, and Marvin Martin, also
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1 known as "Wiz" to commit the murder of Jed McClure, in violation of 18 U.S.C. §
2 1958, all in violation of 18 U.S.C. § 373.

3 **COUNT 11**

4 **CONSPIRACY TO DISTRIBUTE HEROIN**

5 That beginning on or about December 1, 2011, and continuing until on or
6 about June 1, 2013, within the Eastern District of Washington and elsewhere,
7 JAMES TERRY HENRIKSON, ROBERT ANDREW DELAO, and TODD
8 DAVID BATES, and others known and unknown to the Grand Jury, did
9 knowingly and intentionally combine, conspire, confederate and agree together and
10 with each other, and with other persons, both known and unknown to the Grand
11 Jury, to commit the following offense against the United States, to wit: distribution
12 of 100 grams or more of heroin, a Schedule I controlled substance, in violation of
13 21 U.S.C. § § 841(a)(1),(b)(1)(B)(i), and 846.

14 **NOTICE OF SPECIAL FINDINGS**

15 As to Defendant JAMES TERRY HENRIKSON, and as to Counts 1, 2, and 3:

16 (1) Was 18 years of age or older at the time of the offense. 18 U.S.C. § 3591(a).

17 (2) Intentionally did cause another to kill Kristopher Clarke and Douglas Carlile.
18 18 U.S.C. § 3591(a)(2)(A)

19 (3) Intentionally did cause another to inflict serious bodily injury that resulted in
20 the death of the victims. 18 U.S.C. § 3591(a)(2)(B)

21 (4) Intentionally participated in an act, contemplating that the life of a person
22 would be taken or intending that lethal force would be used in connection with a
23 person, other than one of the participants of the offense, and the victim died as a
24 direct result of the act. 18 U.S.C. § 3591(a)(2)(C).

25 (5) Intentionally and specifically engaged in an act of violence, knowing that the
26 act created a grave risk of death to a person, other than one of the participants in
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28

1 the offense, such that participation in the act constituted a reckless disregard for
2 human life and the victim died as a result of the act. 18 U.S.C. § 3591(a)(2)(D).

3 (6) Intentionally caused another to commit a homicide offense in an especially
4 heinous, cruel, or depraved manner in that it involved torture or serious physical
5 abuse to the victim. 18 U.S.C. § 3592(c)(6).

6 (7) Intentionally caused another to commit the homicide offense as consideration
7 for the receipt, or in the expectation of the receipt, of anything of pecuniary value.
8 18 U.S.C. § 3592(c)(8).

9 (8) Intentionally caused another to commit the homicide offense after substantial
10 planning and premeditation to cause the death of a person. 18 U.S.C. § 3592(c)(9).

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12
13 As to the Defendant TIMOTHY EUGENE SUCKOW and as to Counts 2 and 3:

14 (1) Was 18 years of age or older at the time of the offense. 18 U.S.C. § 3591(a).

15 (2) Intentionally killed Douglas Carlile. 18 U.S.C. § 3591(a)(2)(A)

16 (3) Intentionally inflicted serious bodily injury that resulted in the death of the
17 victim. 18 U.S.C. § 3591(a)(2)(B)

18 (4) Intentionally participated in an act, contemplating that the life of a person
19 would be taken or intending that lethal force would be used in connection with a
20 person, other than one of the participants of the offense, and the victim died as a
21 direct result of the act. 18 U.S.C. § 3591(a)(2)(C).

22 (5) Intentionally and specifically engaged in an act of violence, knowing that the
23 act created a grave risk of death to a person, other than one of the participants in
24 the offense, such that participation in the act constituted a reckless disregard for
25 human life and the victim died as a result of the act. 18 U.S.C. § 3591(a)(2)(D).

26 (6) Committed the homicide offense in an especially heinous, cruel, or depraved
27 manner in that it involved torture or serious physical abuse to the victim. 18 U.S.C.
28 § 3592(c)(6).

1 (7) Committed the homicide offense as consideration for the receipt, or in the
2 expectation of the receipt, of anything of pecuniary value. 18 U.S.C. § 3592(c)(8).


3 (8) Committed the homicide offense after substantial planning and premeditation
4 to cause the death of a person. 18 U.S.C. § 3592(c)(9).

5 Pursuant to 18 U.S.C. §§ 3591 and 3592.

7 DATED this 16 day of September, 2014.

12 
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